

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17542 of 2020**

Arising Out of P.S. Case No.-666 Year-2019 Thana- ARA NAGAR District- Bhojpur

Yashwant Kumar @ Golu @ Golu Kumar, Male aged about 20 Years, Son of
Sri Vijay Kumar Yadav @ Vijay Yadav R/o Mohalla- Mahajan Toli, C/o
Ashok Tiwari, P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the APP : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Ara Town PS Case No. 666 of 2019 dated 31.12.2019 instituted under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and another co-accused is of recovery of 97.875 litres of liquor.

5. Learned counsel for the petitioner submitted that



co-accused Suraj Kumar Gupta was a tenant on the ground floor from whose room the recovery has been made and the petitioner was living on the first floor, but from his room no recovery has been made and only because the petitioner was present in the room of Suraj Kumar Gupta, he has also been made an accused. Learned counsel submitted that the petitioner is a sincere student having no other criminal antecedent and was arrested on 31.12.2019. It was further submitted that co-accused Suraj Kumar Gupta has been granted bail in Cr. Misc. No. 4578 of 2020 on 23.01.2020.

6. Mr. Jharkhandi Upadhyay, learned APP submitted that the petitioner was also present when the illicit liquor was recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousands) with two sureties of the like amount each to the satisfaction of the learned IVth Additional Sessions Judge-cum-Special Judge Excise, Bhojpur, Ara in Ara Town PS Case No. 666 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute



bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/ P. Kumar

